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DEPARTMENT OF STATE

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Memorandum of Conversation

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1959 JUL 23 AM 9 39

DATE: July 10, 1959

SUBJECT: Proposed Visit of the Law of the Sea Team to Mexico
MESSAGE CENTER

PARTICIPANTS: Assistant Secretary Ribottom, ARA E.H. Luboeansky, ARA/RPA
Arthur L. Richards, U/LS Capt. Willfred A. Hearn, Ass't
William C. Herrington, U/FW Judge Advocate General of the
William A. Wieland, CMA Navy for International Law
Raymond T. Yingling, L/SFP Lt. Cmdr. Harold Hoag, Office
Edward E. Wright, U/LS of the Judge Advocate General
COPIES TO: Fred E. Taylor, U/FW of the Navy for International
Ambassador Mexico, D.F. Law
ARA -2-
U/LS CMA (cc) IRC -8-
U/FW Defense - Cdr. Doyle CMA/M -3- (cc)
L/SFP Navy Dept.
RPA (cc) USUN-NY - Mr. Bender

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Mr. Ribottom commented that, before turning the meeting over to Mr. Richards, he would like to say that he could not be certain that the present Mexican Administration would react favorably to the arguments the team proposed to present. There had been varying indications, he said, of what that reaction might be. The change in Mexican Administration did offer some ground for hope of a more understanding attitude, he thought, and he said he was glad the team was going. He then invited Mr. Richards to take charge.

Mr. Richards reported that by the most recent count the United States had a bare possibility for two-thirds majority for its compromise proposal of six miles territorial sea and six miles contiguous zone for coastal states fishing rights with future catches in the outside six to be limited to previous fishing effort in a base period. He said we could only lose two of the middle group of doubtful countries, after counting those groups which for sure would vote with or against the United States at the conference. He acknowledged a need for Mexican support, but pointed out that he could not undertake to attempt to gain it at the cost of any support he already had. He said that other Governments had mentioned that the United States had not even settled the differences with its own immediate neighbors. He hoped, he said, that Mexico would be persuaded by security arguments. Since their effect might depend on what we were able to offer in the nature of an agreement on the fishery, however, he asked Mr. Herrington to outline what he proposed to present to the Government of Mexico in this respect.

Mr. Herrington referred to discussions already held with other Governments, particularly Canada, in which attempts were being made to resolve bilateral

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problems on a bilateral basis. He said that he would want to explore in Mexico all possibilities of arriving at some sort of an agreement on the Gulf shrimp fishery. He noted that Mexico had up to now evinced no wish to compromise. Mr. Richards asked whether we were prepared to compromise. Mr. Herrington said there were several arrangements we might consider.

In response to a question from Mr. Lubosansky whether the United States had actually fished in the six to nine mile zone in the proposed base period and whether the United States could claim historic rights in that area, Mr. Herrington stated that there had been some fishing there by the United States but in general the industry had refrained from entering the disputed area. He indicated his belief that the United States would probably be entitled under its compromise proposal to fish between the six and nine mile lines, and any indication on our part to the Mexicans that we would give up what rights we might have in that zone would likely cause us difficulties with other countries. He mentioned that a major difficulty was to overcome the known opposition of Foreign Minister Tello's principal adviser on the subject, García Robles, and said that this had been his reason for recommending a letter from President Eisenhower. Mr. Rubottom explained that while the desirability of such a letter did not seem to be clearly "black or white", he had felt that it would be wiser to resort to it later, if necessary. Both he and Mr. Wieland pointed out the possibility of making a further effort to persuade the Mexicans through the prospective visit of Dr. Eisenhower.

Mr. Richards summarized that apparently the team should present its arguments and attempt to learn the current thinking of the Mexican Government. Mr. Rubottom pointed out that undoubtedly the Mexicans had been taking a count similar to that of Mr. Richards and, in the light of it, would undoubtedly assess their own interests, which the Mexicans might well consider to be an exclusive 12-mile fishery zone along the lines of the Canadian concept. Mr. Richards, observing that both Governments evidently shared a desire for a successful outcome to the next conference on the law of the sea, suggested that perhaps an appeal should be made to this common desire. Mr. Rubottom agreed. Obviously, Mr. Richards said, the conference would not be a success if a third of the countries refused to accept something less than twelve miles. Mr. Rubottom advised him to explore every practical avenue but to avoid, if possible, adherence on either side to an inflexible position.

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